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9 Sun Earth Solar Power Co., Ltd. and NBSolar USA Inc.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 SUNEARTH, INC., THE SOLARAY
14 CORPORATION,

15 Plaintiffs,

16 vs.

17 SUN EARTH SOLAR POWER CO., LTD.,
18 NBSOLAR USA INC., ET AL.,

19 Defendants.

Case No.: 11-cv-04991 CW

**DEFENDANTS' DIRECT
EXAMINATION OF LIU ZHONG HAI**

1 Defendants, Sun Earth Solar Power Co., Ltd. (“SESP”) and NBSolar USA Inc., submitted
2 in support of their Opposition (Dkt. No. 136) to Plaintiffs’ Motion in Limine (Dkt. No. 133) the
3 Declaration of Liu Zhong Hai, an employee in SESP’s accounting department. Defendants
4 attach Liu’s declaration to be used at trial as the direct examination of Liu.

5
6 Dated: October 8, 2012

By: /s/ James J. Foster
James J. Foster, Esq.
Attorney for Defendants
Sun Earth Solar Power Co., Ltd. and
NBSolar USA Inc.

1 本人特此声明如下，如有不实之处，愿接受美利坚合众国法律的伪证惩罚：

2 1. 本人受雇于日地太阳能电力有限公司（“SESP”）并在其会计部工作。本人
3 准备参加此诉讼的审理，以便对下述事项作证。

4 电子表格（NBSOLAR001279）的制作

5 2. 几个月前，我所在的部门被要求提供足够的信息来显示我们在美国的年度销
6 售总额以及与此类销售总额相关的年度开支。因为我们的财务信息是以电子形式储存的，
7 我们并没有保存可说明这些信息的书面文件。为了提供这些信息，我们就必须查询我们的
8 财务数据库以获得所要求的具体信息。然后，我们把查询返回的电子信息输入电子表格
9 中。电子表格是编排财务信息以进行演示的一种常用方法。本人理解，我们输入这些信息
10 所用的电子表格在本诉讼中被编号为 NBSOLAR001279。

11 对下列文件的证明

12 3. 本人是所附 SESP 提供的会计信息的保管人，这些信息的编号为
13 NBSOLAR001280-1318。

14 4. 编号为 NBSOLAR001280-99 的记录为打印件，它们准确反映了在正常业务
15 过程中以电子形式保存在 SESP 会计系统中的信息。

16 5. 这些打印件包含各种日期，如月度报告的日期、发生开支的日期、发票日
17 期。打印件中的信息是在打印件所述日期或其左右被输入 SESP 会计系统中的。

18 6. 打印件中的信息由具有相关知识的人输入，或来自了解该信息的人所发送的
19 信息。

20 7. 该信息被保持在 SESP 的正常业务活动过程中，而且输入并保持此类信息是
21 SESP 的习惯做法。

22 8. 编号为 NBSOLAR001300-18 的文件是保存在 SESP 办公室中原件的副本。这
23 些文件是在其所陈述事件发生之时或其左右被制作完成的，制作者为具有相关知识的人，
24 或者根据了解该等事件的人所发送的信息而制作。这些文件被保持在 SESP 的正常业务活
25 动过程中，而且制作并保持此类文件是 SESP 的习惯做法。

26 对下列文件的说明

27 9. 编号为 NBSOLAR001280-81 的文件提供了 2011 年每个月 SESP 生产的光伏
28 板数量（以瓦特计）、生产这些板的成本（以人民币计）及单位成本（成本/数量）。

1 10. 编号为NBSOLAR001282-93的文件详细列出了2011年每个月SESP光伏板
2 的生产成本项目（以人民币计）。

3 11. 编号为NBSOLAR001294的文件提供了为获得对2011年在美国出售的被告
4 光伏板的UL认证而产生的成本（以人民币计）。

5 12. 编号为NBSOLAR001295的文件提供了与下列事项相关的2011年成本：把
6 被告的光伏板列入CEC（加利福尼亚州能源委员会）名单、与在美国市场上应用紧密相关
7 的任何其他测试，如太阳能板的抗盐性测试、机械负荷性能测试、耐氨性测试等等。

8 13. 编号为NBSOLAR001296的文件提供了2011年7月被告的机票费用及在美
9 国参加各种业务会议的费用。

10 14. 编号为NBSOLAR001297的文件提供了2011年9月被告参加在美国举办的
11 各种行业展会并作广告的费用。

12 15. 编号为NBSOLAR001298-99的文件提供了2011年被告为其美国市场部的工
13 作人员支付报酬而产生的成本。

14 16. 编号为NBSOLAR001300的文件提供了被告在2011年8月发生的美国业务
15 旅行开支（不包括飞机票）。

16 17. 编号为NBSOLAR001301和NBSOLAR001302的文件提供了被告在2011年
17 10月发生的美国业务旅行开支（不包括飞机票）。

18 18. 编号为NBSOLAR001303-16的文件提供了为发运2011年在美国销售的被告
19 产品而产生的运费和保险费。

20 19. 编号为NBSOLAR001317-18的文件提供了与下列项目相关的成本：被告在
21 2011年的贷款利息付款乘以美国销售部分占SESP的总销售额的百分比。

22
23 日期：2012年9月19日

签名：_____

Liu Zhong Hai



September 19, 2012

Certification

Park IP Translations

This is to certify that the attached translation is, to the best of my knowledge and belief, a true and accurate translation from Chinese into English of the document entitled: DECLARATION OF LIU ZHONG HAI IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION IN LIMINE.

The Case Number is 11-cv-04991 CW.

The Plaintiffs are SUNEARTH, INC., THE SOLARAY CORPORATION.

The Defendants are SUN EARTH SOLAR POWER CO., LTD., NBSOLAR USA INC., DOES 1 - 10.

A handwritten signature in black ink, reading 'Abraham I. Holczer', is positioned above a horizontal line.

Abraham I. Holczer

Project Manager

Park Case # 33188

1 I declare under penalty of perjury under the laws of the United States of America that:

2 1. I am employed by Sun Earth Solar Power Co., Ltd. ("SESP"). I work in the
3 accounting department. I am planning to attend the trial in this action, where I will be prepared to
4 testify to the matters set forth below.

5 **Creation of Spreadsheet (NBSOLAR001279)**

6 2. Several months ago, my department was asked to provide information sufficient to
7 show our annual gross sales in the United States and our annual expenses that would be attributed
8 to those gross sales. As we keep our financial information electronically, we do not keep paper
9 documents that would set forth that information. Rather, to provide that information, we had to
10 query our financial database for the specific information that had been requested. We then
11 entered on a spreadsheet the electronically stored information that we received in response to the
12 query. A spreadsheet is a common way of formatting financial information for presentation. I
13 understand that the spreadsheet on which we entered that information was produced in this action
14 as NBSOLAR001279.

15 **Authentication of Underlying Documents**

16 3. I am a custodian of the attached accounting information provided by SESP, which
17 bears production numbers NBSOLAR001280-1318.

18 4. The records produced with numbers NBSOLAR001280-99 are printouts that
19 accurately reflect electronically stored information maintained in SESP's accounting system in
20 the ordinary course of business.

21 5. Those printouts contain various dates, e.g., dates of monthly reports, dates on
22 which expenses were incurred, dates on invoices. The information in the printouts was entered
23 into SESP's accounting system at or near the dates set forth in the printouts.

24 6. The information in the printouts was entered by a person with knowledge, or from
25 information transmitted by a person with knowledge of the information.

26 7. The information was kept in the course of the regular business activity of SESP
27 and it was the regular practice of SESP to enter and keep such information.
28

8. The documents produced as NBSOLAR001300-18 are copies of original documents held in SESP's office. These documents were made at or near the time of the matters set forth in the documents by a person with knowledge, or from information transmitted by a person with knowledge, of the matters. The documents were kept in the course of the regular business activity of SESP and it was the regular practice of SESP to make and keep such documents.

Description of Underlying Documents

9. The document bearing production numbers NBSOLAR001280-81 provides the monthly quantity of photovoltaic panels that SESP produced (measured in Watts), the cost of producing the panels (measured in renminbi), and the unit cost (cost / quantity) for each month in 2011.

10. The document bearing production numbers NBSOLAR001282-93 itemizes production costs for SESP's photovoltaic panels (measured in renminbi) for each month in 2011.

11. The document bearing production number NBSOLAR001294 provides the costs incurred in connection with obtaining UL certification for Defendants' photovoltaic panels (measured in renminbi) sold in the United States in 2011.

12. The document bearing production number NBSOLAR001295 provides the 2011 costs incurred in connection with having Defendants' panels listed on the CEC (California Energy Commission) list and any other tests which have a tight connection with applications in the United States market, e.g., solar panels' salt resistance performance test, mechanical loading performance test, ammonia resistance test, etc.

13. The document bearing production number NBSOLAR001296 provides Defendants' costs of airplane tickets and attending various business conferences and business meetings in the United States in July 2011.

14. The document bearing production number NBSOLAR001297 provides Defendants' costs of advertising and attending various trade shows in the United States in September 2011.

1 15. The document bearing production numbers NBSOLAR001298-99 provides
2 Defendants' costs of compensation for people working in Defendants' American market
3 department in 2011.

4 16. The document bearing production number NBSOLAR001300 provides
5 Defendants' American business travel expenses (not including airplane tickets) for August 2011.

6 17. The documents bearing production numbers NBSOLAR001301 and
7 NBSOLAR001302 provides Defendants' American business travel expenses (not including
8 airplane tickets) for October 2011.

9 18. The documents bearing production numbers NBSOLAR001303-16 provide the
10 shipping charges and the insurance for the shipments of Defendants' products sold in the United
11 States in 2011.

12 19. The document bearing production numbers NBSOLAR001317-18 provides the
13 costs related to interest payments on Defendants' loans in 2011 multiplied by the fraction of
14 SESP's total sales that are made in the United States.

15
16 Dated: September 19, 2012

By: [signature]

Liu Zhong Hai